



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, May 12, 2008

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:06 p.m.

INVOCATION:

Council member Philip M. Goldstein called upon Dr. Bill Ross, Pastor of the First Baptist Church of Marietta, to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Hap Smith, to lead the Pledge of Allegiance.

PRESENTATIONS:

20080173 William F. Bruton, Jr

Presentation by the Mayor and the City Council to William F. Bruton, Jr., City Manager, in appreciation for his dedicated service, outstanding leadership, creativity, integrity, vision and outstanding loyal service for the Mayor, City Council and citizens of Marietta.

This matter was Presented.

20080521 Marietta Citizens' Police Academy Graduates

The following are graduates of the Marietta Citizens' Police Academy.

Wayne Felix

Moc Ly

Josh Soufastai

James Leslie
Janice Bethards
Ronald Mason
Rita Neal
Cathy Smith
Kim Rhoades
Verena Wulf
Dena Gaylor

This matter was Presented.

PROCLAMATIONS:

20080507 Commendation for Officer Irwin

Commendation of Officer Irwin for his heroic efforts showing outstanding focus, skill and dedication in saving the life of a three month-old baby.

This matter was Presented.

20080513 Salvation Army Week May 12-18, 2008

Proclamation to be received by Captain Art Fultz declaring May 12-18, 2008 as Salvation Army Week.

This matter was Presented.

20080514 Proclamation for Coach Friday Richards

Proclamation honoring Coach Friday Richards for his dedication and service at Marietta High School.

This matter was Presented.

20080516 Sexual Assault Awareness Day

Proclamation to be received by Susan Roberts with the YMCA declaring April 24, 2008 as Sexual Assault Awareness Day.

This matter was Presented.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

Mayor Dunaway announced that WSB-TV Channel 2 awarded Marietta its "Going Green Champion" award for the city's efforts of Going Green.

Mayor Dunaway mentioned that the Board of Lights and Water Lineman attended the State and National Lineman's Rodeo, competed and brought home over 20 first, second and third place trophies.

A motion was made by Council member Pearlberg, seconded by Council member Chalfant, to suspend the rules of order to change the post-council meeting location and to add an agenda item regarding the Denial of a claim by Mattie Akinlosose. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

A motion was made by Council member Pearlberg, seconded by Council member Chalfant, to change the post-council meeting location to the Marietta Diner. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

A motion was made by Council member Goldstein, seconded by Council member King, to add the Denial of a claim by Mattie Akinlosose to the consent agenda. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under City Council Appointments: Agenda item 20080393 was removed from the agenda. Item 20080401 was added to the consent agenda.

-under Ordinances: Agenda items 20080399, 20080491, 20080493 and 20080502 were removed from the agenda.

-under Ordinances: Agenda item 20080346 was added to the consent agenda with Council member Chalfant abstaining. Item 20080354 was added to the consent agenda with the following stipulations: 1) The property shall be rezoned to the plan presented, which is being initialed and attached. 2) The applicant waives all uses within the OI (Office Institutional) classification, except the use of this property shall be limited to uses related to a community center, park recreational facility or places of assembly. 3) The applicant shall submit any change to the attached plan for approval by the Marietta City Council.

-under Judicial/Legislative: Agenda item 20080498 was added to the consent agenda and amended to read, "...between the city and American Transit System, to Signal Outdoor Advertising, LLC, subject to the approval of the City Manager and City Attorney. Further, any monies due to the city shall be paid prior to the transfer with cashiers funds or wire transfer funds."

-under Personnel/Insurance: Agenda item 20080404 was added to the consent agenda.

-under Other Business: Agenda item 20080463 was added to the consent agenda.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member King, seconded by Council member Chalfant, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

Council member Pearlberg opposed to agenda items 20080526 and 20080431.

Council member Lewis voting against agenda item 20080517.

Council member Goldstein abstaining on agenda items 20080431, 20080487, 20080486, 20080476, 20080475, 20080473, 20080471.

Council member Pearlberg and Goldstein opposed to agenda items 20080509 and 20080508.

MINUTES:

*** 20080462 Regular Meeting - April 16, 2008**

Review and approval of the April 16, 2008 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

20080483 Marietta Housing Authority Commission (Resident)

Appointment of Ruben Sands to the Marietta Housing Authority Commission for a term of five years to fill the resident post. The term of office will become effective on May 30, 2008 and will expire on May 29, 2013.

This matter was Approved by the Mayor.

CITY COUNCIL APPOINTMENTS:

20080393 Board of Appeals - Construction, Building, Electric, Plumbing

Appointment to the Board of Appeals for Construction, Building, Electric, Plumbing, etc. (Ward 7), to fill the expired term of Joseph Van Horn. The appointment would be for a term of five years effective immediately and expiring on January 31, 2013.

This matter was Removed.

*** 20080401 Clean City Commission Appointment - Ward 1**

Appointment of Kappy S. Kelly to the Clean City Commission (Ward 1) for a term of two years, effective immediately upon appointment and expiring May 14, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080403 Planning Commission (Ward 1)**

Appointment of Ann Watkins to the Planning Commission, Ward 1, to fill the expired term of William Florence for a term of three years beginning June 1, 2008 and expiring on May 13, 2011.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ORDINANCES:*** 20080399 Code Enforcement - 417 Edwards Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 417 Edwards Drive.

Listed Owner: Frantz & Jean Jules

Certified mail receipt not received as of 04-30-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This matter was Removed.

*** 20080471 Code Enforcement - 409 Water Oak Way**

Ord 7149

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 409 Water Oak Way.

Listed Owner: Catherine Lello Phillips

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20080473 Code Enforcement - 380 Pleasant Oak Court**

Ord 7150

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 380 Pleasant Oak Court.

Listed Owner: Thomas R. Dunlap

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20080475 Code Enforcement - 1196 Beech Street**

Ord 7151

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1196 Beech Street.

Listed Owner: Castro Caeri & Toledo Dilma

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20080476 Code Enforcement - 879 Meadow Place**

Ord 7152

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 879 Meadow Place.

Listed Owner: Zuniga Jose E

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.**Vote: 6 - 0 - 1****Approved**

Abstain: 1 - Philip M. Goldstein

*** 20080486 Code Enforcement - 280 Grover Street***Ord 7153*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 280 Grover Street.

Listed Owner: Lawton W. Evans, Jr.

Certified mail receipt not received as of 04-30-08.

Taxes paid: Unpaid, in the amount of \$1,547.85

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.**Vote: 6 - 0 - 1****Approved**

Abstain: 1 - Philip M. Goldstein

*** 20080487 Code Enforcement - 482 Hyde Drive***Ord 7154*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.

Listed Owner: Sammie Jean & Betty Louise Stacy JT/WROS

Certified mail receipt received 03-28-08; not signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.**Vote: 6 - 0 - 1****Approved**

Abstain: 1 - Philip M. Goldstein

*** 20080491 Code Enforcement - 250 White Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 250 White Street.

Listed Owner: Tucker C. Lyndell

Certified mail receipt received 04-28-08; not signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This matter was Removed.

*** 20080493 Code Enforcement - 445 Virginia Place**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 445 Virginia Place.

Listed Owner: Olu & Abiola Awotona

Certified mail receipt not received as of 04-30-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This matter was Removed.

*** 20080502 Code Enforcement - 254 Polk Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 254 Polk Street.

Listed Owner: Loretto Bobo

Certified mail receipt not received as of 05-02-08.

Taxes paid: Unpaid, in the amount of \$2,325.60.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This matter was Removed.

*** 20080354 Z2008-03 Gene Atkinson (First Methodist Church) 75, 87 and 99 Polk Street**

Z2008-03 [REZONING] GENE ATKINSON request rezoning for property located in Land Lot 1219, District 16, Parcels 520, 020 and 0500, 2nd Section, Marietta, Cobb County, Georgia and being known as 75 Polk Street, 87 Polk Street and 99 Polk Street from PRD-MF (Planned Residential Development Multi-Family) to OI (Office Institutional). Ward 3.

The following stipulation is incorporated as a condition of zoning:

·The property shall be rezoned to the plan presented, which is being initialed and attached.

·The applicant waives all uses within the OI (Office Institutional) classification, except the use of this property shall be limited to uses related to a community center, park recreational facility or places of assembly.

·The applicant shall submit any change to the attached plan for approval by the Marietta City Council.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 -0**Approved***** 20080346 Z2008-04 Mary Lorraine Morrison-Ross and William L. Ross 317 Camp Street***Ord 7157*

Z2008-04 [REZONING] MARY LORRAINE MORRISON-ROSS AND WILLIAM L. ROSS request rezoning for property located in Land Lot 1148, District 16, Parcel 0790, 2nd Section, Marietta, Cobb County, Georgia and being known as 317 Camp Street from R-3 (Single Family Residential - 3 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 4.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved****20080454 CA2008-02 Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Section 708, Places of Assembly***Ord 7156*

CA2008-02 [CODE AMENDMENT] Amendment to the Comprehensive Development Code. Proposal to amend Section 708 of the Comprehensive Development Code of the City of Marietta specifically related to Places of Assembly.

Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie and Planning and Zoning Manager Rusty Roth explained the proposed amendment to Code Section 708.

Mayor Dunaway called forward those who wished to speak regarding this matter.

Pastor Bryant Bell of the Enlighten Christian Center expressed concern regarding the proposed amendment.

Pastor Warren Dillion of In His Image Christian Center also expressed concern regarding the proposed amendment.

Discussion was held regarding an ad hoc committee being created to address the issues and concerns of the community, as they relate to the various sections of the Comprehensive Development Code.

Mayor Dunaway closed the public hearing.

A motion was made by Council member Coleman to delay this matter for 30 days. The motion failed for lack of a second.

A motion was made by Council member King, seconded by Council member Lewis, to approve the proposal amendment to Section 708 of the Comprehensive Development Code of the City of Marietta specifically related to Places of Assembly, as advertised.

Mayor Dunaway re-opened the public hearing to allow further comment from Pastors Bell and Dillion.

Mayor Dunaway closed the public hearing.

A motion was made by Council member King, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved

Vote Against: 1 - Rev. Anthony Coleman

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

City Manager Bill Bruton expressed his appreciation to the City Staff for their hard work regarding the purchase of 800 MHz radios and the Revenue Bond refunding, both of which were approved on the consent agenda.

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

*** 20080309 FY08 CDBG Sub-recipient Agreement**

C/A 3544 & A Resolution authorizing the execution of the FFY'08 CDBG Program Subrecipient Agreement with Cobb County.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

2. Finance/Investment: Annette Lewis, Chairperson

*** 20080361 Marietta Fire Donation**

Ord 7158 Ordinance appropriating \$560 donation from Marietta Wine Market, LLC for smoke detector program.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080409 800 MHz Radios Purchase**

C/A 3532 & Ordinance approving an amendment to the Fiscal Year 2008 SPLOST Fund Budget to reduce the budget allocated for the purchase of 800 MHz radios based on the amended contract with Cobb County

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved**

* **20080410 Golf Course Bond Series 2008**

Res. 1437 Resolution approving the DMDA Refunding Revenue Bond (Public Golf Course Project), Series 2008, in the principal amount of \$4,835,000

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved**

* **20080426 Anti-gang Initiative**

Ord 7160 Approval of an Ordinance amending the Fiscal Year 2008 Budget to receive and appropriate pass-through grant funding from the Department of Justice for the Franklin Road Anti-gang Initiative for the Weed and Seed Program.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved**

* **20080439 Amendment to the Police FY08 Budget**

Ord 7161 Approval of an Ordinance amending the Fiscal Year 2008 Police Asset Forfeiture Fund budget to receive and appropriate \$60,000 in federal revenue.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved**

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20071431 Portable Storage Units**

CA2008-93 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 710.07 Storage.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved**

* **20080206 Cell Tower Agreement**

c/a 3552 Motion approving an amendment to the Site Lease between Downtown Marietta Development Authority, ("Landlord"), and T-Mobile South LLC, a Delaware limited liability company, as successor in interest to Powertel/Atlanta, Inc. ("Tenant") for 287 Redwood Drive, Marietta, Georgia.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0**Approved**

* **20080441 133 Rigby Street**

Motion to approve the Detailed Plan for 133 Rigby Street in Land Lot 12160, 16th District, 2nd Section, Marietta, Cobb County, Georgia, with the following

stipulations:

- 1) The proposed house will be built as indicated in the drawing by Residential Plus, Inc. labeled Attachment 'A' and the photograph labeled Attachment 'B'.
- 2) In those instances where there are conflicts between architectural details (ie. board and batten shutters, tapered columns, etc) identified in the drawing labeled Attachment 'A' and the photograph labeled Attachment 'B', the drawing labeled Attachment 'A' shall override.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080512 Advertisement to rezone 133 Rigby Street**

Motion to authorize advertisement to rezone the property at 133 Rigby Street to R4.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080497 Quitclaim Deed**

Motion to approve a Quitclaim Deed for property located at 307 Page Street. This Motion is contingent on the completion of the closing on the property being sold by the city to First Landmark Bank. The deed authorized hereby shall be held in escrow by the city attorney until the completion of such closing.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080498 American Transit Systems**

Motion to approve the assignment of the rights and responsibilities of American Transit Systems Inc., in Agreement number 1864 "Bus Stop Shelter Agreement" between the city and American Transit System, to Signal Outdoor Advertising, LLC. Further, any monies due to the city shall be paid prior to the transfer.

Council member Goldstein filed a written disclosure with the City Clerk that American Transit Systems or similar entity or representative was a tenant of his; however, neither is currently a tenant.

Motion to approve with the following amendment: "... American Transit System, to Signal Outdoor Advertising, LLC, subject to the approval of the City Manager and City Attorney. Further, any monies due to the city shall be paid prior to the transfer with cashiers funds or wire transfer funds."

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080440 Historic Preservation - Brumby House**

Motion to authorize the Historic Preservation Commission to conduct and

prepare a report on historic, cultural, architectural or aesthetic significance of the place, district, site building or structure or work of art proposed for designation of Brumby Hall located at 472 Powder Springs Street as an Historic Landmark, with a stipulation that the Design Guidelines shall not prohibit tents and gardens.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080508 Historic Preservation - Clarke Library**

Motion to authorize the Historic Preservation Commission to conduct and prepare a report on historic, cultural, architectural or aesthetic significance of the place, district, site building or structure or work of art proposed for designation of the Clarke Library located at 156 Church Street as an Historic Landmark.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 2 - 0

Approved

Vote Against: 2 - Van Pearlberg and Philip M. Goldstein

*** 20080509 Historic Preservation - Marietta Water Works Building**

Motion authorizing the Historic Preservation Commission to conduct and prepare a report on historic, cultural, architectural or aesthetic significance of the place, district, site building or structure or work of art proposed for designation of the Marietta Water Works Building located at 426 North Sessions Street as an Historic Landmark.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 2 - 0

Approved

Vote Against: 2 - Van Pearlberg and Philip M. Goldstein

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

*** 20080423 Marietta Fine Art Show beer and wine consumption.**

Motion to conduct sales of beer and wine during the Marietta Fine Art Show as request by the Marietta Business Association.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080412 Classic Golf Management Independent Contractor Contract**

C/A 3545

Motion to approve the First Amendment to the Independent Contractor Contract between the City of Marietta, Georgia (the "City"), a municipal corporation duly created and existing under the laws of the State of Georgia, and Classic Golf Management, Inc., a Georgia corporation (the "Operator").

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080501 Spillway Repairs at Laurel Park**

Ord 7163

Ordinance approving a budget amendment to the Fiscal Year 2008 City General Fund budget to allocate \$50,000 from reserves to improve the spillways in Laurel Park.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080517 Park Improvements Budget Amendment**

Ord 7162

Approval of an Ordinance amending the the Fiscal Year 2008 Budget to appropriate \$225,000 from the Whitaker Fund and transfer to the General Fund, to appropriate \$186,200 from General Fund reserves, and to use \$172,000 of budgeted discretionary funds to fund Parks Improvements as follows: 1) replace a pedestrian bridge at Burruss Park for \$65,000, 2) replace tennis court fencing at Laurel Park for \$165,000, 3) pave parking area adjacent to the tennis courts and playground at Lewis Park for \$45,000, 4) replace the tennis court fencing at Lewis Park for \$88,200, 5) make entrance improvements at Merritt Park for \$20,000, 6) replace the driveway and parking lot at Merritt Park for \$60,000, 7) replace the bridge at Wildwood Park for \$90,000, and, 8) install new entrance and identification signs at all parks for \$50,000.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Vote Against: 1 - Annette Lewis

20080518 Budget Amendment for Hickory Hills Park Improvements

An Ordinance approving an Amendment to the Fiscal Year 2008 Budget to appropriate \$100,000 from the Whitaker Fund and transfer to the General Fund, to receive and appropriate \$100,000 from CDBG, and to appropriate \$100,000 from General Fund reserves for phase I renovations of Hickory Hills Park.

Council member Walquist commented on the proposed amendment to the 2008 Budget for renovations of Hickory Hills Park.

A motion was made by Council member Walquist, seconded by Council member Chalfant, to approve an Ordinance to amend the Fiscal Year 2008 Budget to appropriate \$100,000 from the Whitaker Fund and transfer to the General Fund, to receive and appropriate \$100,000 from CDBG, and to appropriate \$100,000 from General Fund reserves for phase I renovations of Hickory Hills Park.

In depth discussion was held regarding the needed improvements in phase I of the renovations.

A motion was made by Council member Walquist, seconded by Council member Chalfant, that this matter be Approved. The motion failed by the following vote:

Vote: 2 - 5 - 0

Denied

Vote Against: 5 - Jim King, Van Pearlberg, Philip M. Goldstein, Rev. Anthony Coleman and Annette Lewis

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20080420 Reorganization of Public Works Department**

Ord 7164

Ordinance amending the FY 2007-2008 City of Marietta/BLW Position Allocation Chart and the Pay and Classification Plan in order to reorganize certain divisions in the Public Works Department.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080404 Marietta Redevelopment Corporation Appointment**

Appointment of Mark Gibbs to the Marietta Redevelopment Corporation (MRC) to fill the expired term of Marcelle David for a two-year term beginning May 13, 2008 and expiring April 10, 2010.

This Matter was Discussed on the Consent Agenda.

Vote: 7 - 0 - 0

Discussed

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20080402 Standard Operating Procedures**

Motion to adopt amendments to Marietta Police Department Standard Operating Procedures: A041 Organizational Structure, A042 Awards and Commendations, A052 Detention and Housing of Detainees, E010 Special Response Team, P010 Patrol Operations, P045 Search and Seizure, and S030 Criminal Investigations.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson

*** 20080431 Parking at the Strand Theater**

Motion to install "Strand Contractor Parking Only - Between 7 am and 7 pm Weekdays" along Cherokee Street between N Park Square and Dobbs Street excluding the closest 3 spaces South and 2 spaces North of Hansel Street. The Public Works Director is authorized to remove said parking signs upon completion of the current Strand Theater renovation.

Council member Goldstein filed a written disclosure with the City Clerk that he is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 1 - 1

Approved

Vote Against: 1 - Van Pearlberg

Abstain: 1 - Philip M. Goldstein

*** 20080453 Parking Deck Study - Motion by DMDA**

Approval of a Motion (Option #1, submitted at Committee) made by the DMDA to spend \$3,000, subject to the availability of DMDA funds, after a review of the budget for a parking deck study (costing \$27,750) with the city and Cobb County splitting the remainder of the cost.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Bill Bolton, who resides at 2104 Drogheda Lane, spoke regarding rules and/or regulations that he felt was needed for witness accuracy when speaking with the Police Department.

Tom Browning, Chairman of the Downtown Marietta Development Authority and the Historic Board of Review, spoke regarding agenda item 20080500 and 20080540 that deals with an amendment to Marietta City Code 7-8-8-080 (Board of Review)

OTHER BUSINESS:

20080500 Amendment to Marietta City Code 7-8-8-080 (Board of Review)

Ord 7165 Motion to approve an amendment to the Marietta City Code Section 7-8-8-080 (Board of Review) and any other code sections related thereto. The amended and restated Code Section is attached hereto and incorporated herein by reference.

A motion was made by Council member King, seconded by Council member Walquist, to create the Marietta Historic Board of Review consisting of eleven members, to include the seven members of the Marietta Historic Preservation Commission as appointed by the City Council, two property owners selected from the membership of the Downtown Marietta Development Authority, and two business owners selected from the membership of the Downtown Marietta Development Authority. The two property owners and two business owners shall be selected by the majority vote of the elected property owners and business owners serving on the Downtown Marietta Development Authority.

A substitute motion was made by Council member Coleman, seconded by Council member Lewis, to create the Marietta Historic Board of Review as presented in agenda item 20080540. The motion failed by the following vote:

Vote: 3 - 4 - 0

Denied

Voting Against: Holly Walquist, Van Pearlberg, Grif Chalfant, Jim King

Mayor Dunaway called for a vote on the original motion.

Remarks were made by Council member Goldstein and Mayor Dunaway.

A substitute motion was made by Council member Goldstein, seconded by Council member Coleman, to refer this matter to the Committee meetings scheduled for July. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved

Voting Against: Holly Walquist, Grif Chalfant and Jim King

Mayor Dunaway vetoed the motion.

(The official veto of the amendment by Mayor Dunaway is on file in the City Clerk's Office.)

Mayor Dunaway called for a vote on the original motion.

The motion was made by Council member King, seconded by Council member Walquist, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved as Amended

Vote Against: 3 - Philip M. Goldstein, Rev. Anthony Coleman and Annette Lewis

20080540 Amendment to Marietta City Code 7-8-8-080 (Board of Review)

Motion to approve an amendment to the Marietta City Code Section 7-8-8-080 (Board of Review) and any other code sections related thereto. The amended and restated Code Section is attached hereto and incorporated herein by reference.

This matter was No Action Taken.

*** 20080522 Property acquisition at 1294 Roswell Road**

Motion to authorize the acquisition of a portion of 1294 Roswell Road through the process of eminent domain. The city attorney is hereby authorized to take any and all action necessary to acquire such property through eminent domain including the right to file any appeals in this matter to any court.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080523 Acquisition of property at 1574 Lower Roswell Road and 1590 Roswell Road**

Motion to authorize the acquisition of a portion of 1574 Lower Roswell Road and 1590 Roswell Road through the process of eminent domain, the amount of land being acquired is set for in documentation on file in the public works department. The city attorney is hereby authorized to take any and all action necessary to acquire such property through eminent domain including the right to file any appeals in this matter to any court.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080526 Acquisition of property at 942 Roswell Street**

Motion to authorize the acquisition of property located at 942 Roswell Street for the purchase price of \$1,300,000 subject to the successful Phase II Environmental Site Assessment. Further, this property acquisition is under the threat of condemnation.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Vote Against: 1 - Van Pearlberg

*** 20080527 Acquisition of Property at 569 N Fairground Street**

C/A 3546

Motion to authorize the acquisition of property located at 569 N Fairground Street for the purchase price of \$238,700.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080463 BLW Actions of May 12, 2008**

Review and approval of the May 12, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20080560 Denial of Claim**

Denial of a claim by Mattie Akinlosose.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 9:08 p.m.

Date Approved: _____

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk